

"Approved by the City Council/Redevelopment Agency Board on April 22, 2009"

**CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING**

**WESTMINSTER, CALIFORNIA
March 25, 2009**

The City Council/Agency Board of the City of Westminster, California convened on March 25, 2009 at 6:00 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

**6:00 P.M.
CLOSED SESSION**

CALL TO ORDER: 6:00 P.M.

ROLL CALL

PRESENT: RICE, TA, FRY (Arrived at 6:15 p.m.), QUACH, DIEP
ABSENT: NONE

CLOSED SESSION

- 1) Pursuant to Government Code Section 54957: Public Employee Appointment: City Manager; and
- 2) Conference with Labor Negotiator pursuant to Government Code Section 54967.6; Designated Representative: City Manager Ray Silver; Employee Organizations: Westminster Police Officers' Association (WPOA) and Westminster Municipal Employees' Association (WMEA).

RECESS: At 6:30 p.m., Mayor Rice recessed the meeting held in the Council Conference Room.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Rice reconvened the meeting in the Council Chambers at 7:10 p.m.

ROLL CALL

PRESENT: RICE, TA, FRY QUACH, DIEP
ABSENT: NONE

SALUTE TO FLAG: Council Member Fry

INVOCATION: Mayor Pro Tem Ta

REPORT OUT OF CLOSED SESSION – None

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

The City Clerk announced Late Communications regarding agenda items that had been received in the City Clerk's office following the distribution of the agenda packet.

2. CONSENT CALENDAR**2.11 Special Event Permit application from the King Hung Oversea Foundation to hold a Festival and Musical Show at the Civic Center Sunken Gardens and a Ceremony at Sid Goldstein Freedom Park. (213-02 KI)**

Page 2 of the Staff Report was inadvertently omitted from the copies of this item and is attached.

2.17 Warrant Register dated March 4, 2009 through March 17, 2009. The warrant register dates are February 25, 2009 (rather than March 4th) through March 17, 2009. (105-09) (2009)

It is recommended that Item No. 2.17 be approved as amended to reflect the correct dates.

1. ORAL COMMUNICATIONS

Diana Lee Carey, I-405 Ad Hoc Committee Chair, reported on clarifications requested from Orange County Transportation Authority's (OCTA's) presentation at the March 2, 2009 City Council meeting. She reported that she attended the April 4, 2009 OCTA Policy Working Group along with Mayor Pro Tem Ta and Marwan Youssef, Director of Public Works to request that OCTA state they would stay within their boundaries and that OCTA keep them informed of the upcoming meetings.

Mayor Rice stated that she spoke to former Council Member Marsh who said that he personally saw to it that OCTA put the language into Measure M that requires OCTA to stay within their boundaries.

Connie Davis, resident of Westminster, stated that she came before the Council in 2007 with concerns relative to parking and safety of schoolchildren on Humboldt Avenue.

Council Member Quach suggested that the Council refer this issue back to the Traffic Commission to see if it warrants a second look, to which the Council concurred.

SPECIAL PRESENTATIONS:

- A. Presentation regarding the 4th Annual American Cancer Society's Relay for Life to be held on August 8-9, 2009.

Amanda Jensen, Relay for Life Event Chair, spoke in regards to the Relay for Life Kickoff which will be held on Thursday, March 26, 2009 from 6:00 p.m to 7:30 p.m. at the Westminster Community Center East/West Room.

(ITEM TAKEN OUT OF ORDER)

- 2.1 Proclamation declaring April, 2009 as DMV/Donate Life California Month in the City of Westminster. (115-00) (2009)**

A Proclamation declaring April, 2009 as DMV/Donate Life California Month was presented by the Mayor and City Council to Vanessa Nguyen, Ambassador, accepting on behalf of Donate Life California.

2. CONSENT CALENDAR

ROUTINE MATTERS

- 2.2 General Plan Annual Progress Report. (204-01)**

ACTION: The Mayor and City Council received and filed the report, and directed staff to submit the report to the Governor's Office of Planning and Research (CPR) and the State Department of Housing and Community Development (HCD).

- 2.3 Increase Brass Pipeline Materials Purchase Order No. 5338 for FY 2008-2009 to Cover Higher Brass Costs. (502-25)**

ACTION: The Mayor and City Council approved an increase of \$15,000 to Purchase Order No. 5338 to Yo Fire Supplies Company for the purchase of brass pipeline materials.

- 2.4 Increase Miscellaneous Pipeline Materials Purchase Order No. 5342 for FY 2008-2009 to Cover Higher Materials Costs. (502-25)**

ACTION: The Mayor and City Council approved an increase of \$10,000 to Purchase Order No. 5342 to Yo Fire Supplies Company for the purchase of miscellaneous pipeline materials.

2.5 Acceptance of Final Parcel Map No. 2005-120, for "condominium purposes" for 7601 23rd Street. (201-02 PM)

ACTION: The Mayor and City Council accepted Final Parcel Map No. 2005-120, and authorized the City Clerk to sign, seal and record the map with the County Recorder's Office.

2.6 Authorization for a change order to the Westminster Intelligent Transportation System (ITS) Phase 2 Project. (502-09)

ACTION: The Mayor and City Council authorized a change order in the amount of \$127,100.78 to Iteris, Inc. for additional ITS design services and up to date equipment technology upgrade.

2.7 AB-939 Integrated Waste Management Goal Attainment Annual Report - CY2007. (609-11)

ACTION: The Mayor and City Council received and filed the report.

(ITEM REMOVED AND HEARD SEPARATELY)

2.8 Agreement with the City of Stanton for Construction, Operation, and Maintenance of a Sanitary Sewer Line along Garden Grove Boulevard from Hoover Street to Fern Street. (502-19)

Council Member Quach abstained from this item because the City of Stanton operated sewer line affected one of his developments along Garden Grove Boulevard in the City of Garden Grove, therefore presenting a conflict of interest.

Motion was made by Council Member Diep, and seconded by Mayor Pro Tem Ta to approve the subject agreement and authorize the City Manager to execute the agreement on behalf of the City.

The motion carried by a 4-0-1 vote. (Council Member Quach Abstained)

2.9 Increase Purchase Order for FY 2008-09 for Architectural Design at Sigler Park Splash Pad to Cover Final Billing. (502-04)

ACTION: The Mayor and City Council approved an increase of \$5,022.00 to Purchase Order No. 5526 to David Volz Design, Inc for payment of the second half of Phase VI Construction and Phase VII Post Construction at Sigler Park Splash Pad.

2.10 Contract for Structural Steel for the Westminster Police Facility Project. (502-07)

ACTION: The Mayor and City Council directed Griffin Structures, Inc. (Project Manager) and its Construction Manager (McCarthy Building Companies, Inc.), to approve the award of a fully executed contract, to the low qualified and responsible bidder by trade, Beck Steel, in the amount of \$2,006,000.00, in accordance with Section 3.7 of the March 2, 2009 Council approved Program Management Agreement for the Westminster Police Facility Project.

ADMINISTRATIVE ITEMS**2.11 Special Event Permit application from the King Hung Oversea Foundation to hold a Festival and Musical Show at the Civic Center Sunken Gardens and a Ceremony at Sid Goldstein Freedom Park. The event will take place on Sunday, April 5, 2009. Event set up will take place on Saturday, April 4th beginning at 2:00 p.m. The Festival will take place on Sunday from 10:00 a.m. until 10:00 p.m. (includes clean up time) at the Civic Center Sunken Gardens and Sid Goldstein Freedom Park. Applicant will conduct a procession on the public sidewalk from the Civic Center to Sid Goldstein Freedom Park. Applicant estimates the attendance will be 1000 people throughout the event. (213-02 KI)**

ACTION: The Mayor and City Council approved the Special Event Permit application subject to the conditions attached to the staff report.

2.12 Special Event Permit application from Circus Vargas to hold a circus beginning April 14, 2009 through April 28, 2009 (includes set up and clean up days). The Circus will be open to the public April 16, 2009 through April 27, 2009. The Circus will take place at the Westminster Mall parking lot between Macy's and JC Penney's. Applicant estimates the attendance will be 500 people per performance. (213-02 CI)

ACTION: The Mayor and City Council approved the Special Event Permit application subject to the conditions attached to the staff report.

2.13 Special Event Permit application from the Vietnamese American Community of Southern California (VACSC) to hold a Black April Commemoration Ceremony on Saturday, April 25, 2009 between the hours of 4:00 p.m. and 9:00 p.m. (includes set up and clean up times). The event will take place at Sid Goldstein Freedom Park, 14180 All American Way. Applicant estimates the attendance will be 500 people. (213-02 VI)

ACTION: The Mayor and City Council approved the Special Event Permit application subject to the conditions attached to the staff report.

- 2.14 Special Event Permit application from Blessed Sacrament Church to hold their annual procession honoring the Blessed Mother on Sunday, May 3, 2009 between the hours of 1:00 p.m. until 3:00 p.m. The event will take place on Olive Street, from Hazard Avenue to Blessed Sacrament Church, near Westminster Boulevard. Applicant estimates the attendance will be 250 people. (213-02 BL)**

ACTION: The Mayor and City Council: 1) waived the \$100 Special Event Permit fee and; 2) approved the Special Event Permit application subject to the conditions attached to the staff report.

- 2.15 Special Event Permit application from Blessed Sacrament Church to hold its Annual Festival on May 15, 2009 from 5:00 p.m. until 11:00 p.m., May 16, 2009 from 12:00 noon until 11:00 p.m., and May 17, 2009 from 12:00 noon until 10:00 p.m. The church is located at 14072 Olive Street, Westminster. Applicant estimates the attendance will be 3,000-5,000 participants. The applicant has requested that a special bingo permit in conjunction with their annual Parish Festival be granted, so that bingo can be played during the Festival on Saturday, May 16th and Sunday, May 17th from 2:00 p.m. until 8:00 p.m. (213-02 BL)**

ACTION: The Mayor and City Council: 1) waived the \$100 Special Event Permit fee and; 2) approved the Special Event Permit application subject to the conditions attached to the staff report.

- 2.16 Fee Waiver Request from the Vietnamese American Pharmacy Student Association to conduct an Immunization Drive and Health Fair in the East/West, Craft, A/B, Room 3/4, and Senior Dining Room of the Community Services Building for one day in October, 2009 from 9:00 a.m. to 5:00 p.m. (702-06)**

ACTION: The Mayor and City Council approved the fee waiver request as outlined in the fee waiver policy for use of City facilities by Community Groups/Non-Profit Organizations.

WARRANT REGISTER

- 2.17 (City Council/Redevelopment Agency) Warrant Register dated February 25, 2009 through March 17, 2009. (105-09) (2009)**

ACTION: Approved.

INFORMATION AND REPORTS

2.18 Minutes of the Youth Committee meeting held on January 14, 2009. (104-17) (2009)

ACTION: Received and filed.

2.19 Minutes of the Commission on Aging Meeting held on Monday January 12, 2009. (104-03) (2009)

ACTION: Received and filed.

2.20 Minutes of the Planning Commission meeting held February 18, 2009. (104-11) (2009)

ACTION: Received and filed.

2.21 Community Development Monthly Activity Report - February 2009. (216-01) (2009)

ACTION: Received and filed.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Fry to approve the Consent Calendar with the exception of Item No. 2.8 which was removed for separate consideration.

The motion carried by a 5-0 vote.

END OF CONSENT CALENDAR

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3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on March 18, 2009.

The Planning Manager reviewed the actions of the Planning Commission meeting of March 18, 2009.

- 1) Case 2009-05 Zone Change, Tentative Parcel Map, Site Plan, Design Review to develop two attached affordable residential dwelling units at 13931 Cedar Street. Staff recommended that the Planning Commission recommend that the City Council approve Case No. 2009-05.

Planning Commission Action: That Council approve the project 3-0 (Tran and Ho absent). The matter is scheduled for Council's consideration on April 1, 2009.

- 2) Case 2009-12 Initiation of a Zoning Text Amendment; Citywide. Staff recommended that the Planning Commission initiate a zoning text amendment to amend the parking requirements for small restaurants.

Planning Commission Action: Initiated the ZTA 4-0 (Tran absent)

- 3) Case 2009-14 Initiation of a Zoning Text Amendment; Citywide. Staff recommended that the Planning Commission initiate a zoning text amendment to allow limited entertainment by right.

Planning Commission Action: Initiated the ZTA 4-0 (Tran absent).

- 4) Request by applicant to allow a skirted pole sign at 7185-7195 Westminster Boulevard. Staff recommended that the Planning Commission deny the request.

Planning Commission Action: Approved the applicant's request to construct a 12 foot high skirted pole sign 3-0 (Tran and Ho absent).

Mayor Rice called up Item No. 4 for Council review.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to receive and file Item Nos. 1-3.

The motion carried by a 5-0 vote.

4. PUBLIC HEARINGS

- 4.1(a) REVIEW OF CASE NO. 2008-84 (GPA, ZC, SP, DR): AN APPLICATION FOR A GENERAL PLAN AMENDMENT (GPA), ZONE CHANGE (ZC), SITE PLAN (SP), AND DESIGN REVIEW (DR) TO CONSTRUCT 36 AFFORDABLE APARTMENT UNITS, WHICH WOULD INCLUDE TWO PLAN TYPES: A THREE-BEDROOM AND TWO-BATH FLOOR PLAN (19 UNITS TOTAL); AND A FOUR-BEDROOM AND TWO-BATHROOM FLOOR PLAN (17 UNITS TOTAL). THE PROPOSED SITE DEVELOPMENT INVOLVES REDEVELOPMENT OF THE PROJECT SITE, REPLACING THE EXISTING OFFICE BUILDING WITH A MULTIPLE-FAMILY RESIDENTIAL APARTMENT BUILDING. THE PROPOSED DEVELOPMENT WOULD HAVE A MAXIMUM HEIGHT OF 48 FEET, 6 INCHES; APPLICANT: AMCAL ROYALE FUND, L. P. LOCATION: 280 HOSPITAL CIRCLE. (204-02 & 201-00 CN 2008-84)**

Kelvin Parker, Senior Planner, provided a history and a Power Point Presentation on the proposed project. (On File in Clerk's Office)

4.1(b) JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE WESTMINSTER REDEVELOPMENT AGENCY TO CONSIDER THE ADOPTION OF RESOLUTIONS APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH AMCAL ROYALE FUND, L.P., AND CONVEYANCE OF CERTAIN REAL PROPERTY LOCATED AT 280 HOSPITAL CIRCLE TO AMCAL ROYALE FUND, L.P. FOR AFFORDABLE HOUSING PROJECT. (502-01)

Doug McIsaac, Director of Community Services, continued with the history and a Power Point Presentation on the proposed project. (On File in Clerk's Office)

Ray Silver, City Manager, gave credit to the City Council and staff for being one of the first cities last year to have its Housing Element certified by the State of California. The Council also adopted an Affordable Housing Strategy last year that identifies how the City will meet both the State of California legal requirements to provide different levels of Workforce Housing and Redevelopment. This project is close to meeting both of these requirements, and the parking requirement to the City as promised when the Affordable Housing Strategy was adopted is being met. This project will also improve the adjacent areas in terms of architectural design, parking and open space.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THIS ITEM

Mario Turner, AMCAL, Multi-Housing Inc., Director of Development, said that he has been working on this project for two years and is present to answer any questions that the City Council may have.

Council Member Diep asked Mr. Turner how long AMCAL would own and maintain the property.

Mario Turner responded that AMCAL maintains partial ownership for 15 years at a minimum and property management will be maintained at the highest level.

Mayor Pro Tem Ta asked for clarification on the process for transferring the property to a new owner.

Mario Turner explained that the Disposition and Development Agreement has a Regulatory Agreement that maintains affordability for 55 years. The use in terms of Affordable Family Housing has a provision that any change in ownership requires notification to the City, and the new owner would need to meet the City's requirements.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION OF THIS ITEM.

Thao Nguyen, resident of Westminster, expressed concern that the zone change will affect her neighboring property and application process.

Council Member Quach explained that the zone change only affects the parcel of the proposed project on the agenda. He requested that Planning staff in attendance help Ms. Nguyen with the application process.

BEING THERE WERE NO MORE SPEAKERS IN OPPOSITION, MAYOR RICE CLOSED THE PUBLIC HEARING

Motion was made by Council Member Quach, and seconded by Council Member Fry to:

- 1) Adopt Resolution No. 4220 entitled: "A Resolution of the Mayor and City Council of the City of Westminster Adopting a Mitigated Negative Declaration Pertaining to Case No. 2008-84, Adopting a General Plan Amendment from Commercial-Low Intensity to Residential High Density (15 to 25 Units Per Acre), Approving a Site Plan and Design Review with a 35-percent Density Bonus to Construct 36 Affordable Apartment Units Located at 280 Hospital Circle (APN 096-251-17)"; and 2) Introduce Ordinance No. 2441 entitled: "An Ordinance of the Mayor and City Council of the City of Westminster Amending the Official City of Westminster Zoning Map Implementing a Change of Zone (Case No. 2008-84) from CR Restricted Commercial District to R5 Multiple Units (Nineteen to Twenty-Four Units Per Acre) District for the property located at 280 Hospital Circle (APN 096-251-17)", and waive further reading.
- 2) Introduce Ordinance No. 2441 entitled: "An Ordinance of the Mayor and City Council of the City of Westminster Amending the Official City of Westminster Zoning Map Implementing a Change of Zone (Case No. 2008-84) from CR Restricted Commercial District to R5 Multiple Units (Nineteen to Twenty-Four Units Per Acre) District for the property located at 280 Hospital Circle (APN 096-251-17)", and waive further reading.

The motion carried by the following vote:

AYES:	RICE, TA, FRY, QUACH, DIEP
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to:

- 1) Adopt Resolution No. 4217 entitled: "A Resolution of the Mayor and City Council of the City of Westminster Approving the Conveyance of Certain Real Property (Assessor's Parcel No. 096-251-017) from the Westminster Redevelopment Agency to AMCAL Royale Fund, L.P., Pursuant to that Certain Disposition and Development Agreement by and between the Westminster Redevelopment Agency and Amcal Royale Fund, L.P., and Making Certain Findings Required by Law".

The motion carried by the following vote:

AYES: RICE, TA, FRY, QUACH, DIEP
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Motion was made by Agency Member Quach, and seconded by Vice Chair Ta to:

- 1) Adopt Resolution No. 204 entitled: "A Resolution of the Westminster Redevelopment Agency Approving that Certain Disposition and Development Agreement By and Between the Westminster Redevelopment Agency and AMCAL Royale Fund, L.P., the Conveyance of Certain Real Property (Assessor's Parcel No. 096-251-017) from the Westminster Redevelopment Agency to Amcal Royale Fund, L.P., and Making Certain Findings Required by Law";
- 2) Approve the allocation and provision of \$1,244,000 of Redevelopment Low Mod Housing Funds from the Capital Improvement Project Account No. 18602-034011 to AMCAL Royale Fund, L.P. to assist in the construction of the project; and
- 3) Authorize the Executive Director to execute the Disposition and Development Agreement with AMCAL Royale Fund, L.P. and all documents necessary to implement the Disposition and Development Agreement for the development of an affordable workforce housing project.

The motion carried by the following vote:

AYES: RICE, TA, FRY, QUACH, DIEP
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**5.1 Council/Agency Member Items**

Council Member Diep requested staff's help to organize a retirement and farewell event for City Manager Ray Silver.

Mayor Pro Tem Ta stated that he raised the City's concerns with the I-405 expansion project to the OCTA board. He reported that he and Council Member Diep participated in a five hour orientation at the Orange County Fire Authority. He commended the Mayor for participating in all events in Washington D.C., and wished Council Member Quach and City Attorney Jones a happy birthday.

Mayor Rice reported that the Ad Hoc Water Rate Structure Committee hopes to bring a recommendation to Council by July. She requested clarification on the water rate sunset clause.

City Manager Silver responded that staff reviewed the motion on the record by Council and the motion specifically requires the new water rate to sunset on July 1, 2009. The Water Rate Structure Committee will present Council a recommendation to defer the sunset of July 1, 2009 because the Committee needs more time to work on a new rate structure.

5.2 AB 1234 Reports (103-08) (2009)

Mayor Rice reported on the Washington D.C. trip on March 9, 2009, Mayor Pro Tem Ta, Councilman Quach, and Councilman Diep met with Federal Representatives to discuss the City's legislative priorities for the upcoming year.

5.3 Consider Renaming Hoover Park to Frank G. Fry Park. (703-19)

Council Member Fry recused himself and left the dais.

Mayor Rice said that she would like to honor Council Member Fry for his 42 years of service to the City by renaming Hoover Park to Frank G. Fry Park.

Motion was made by Mayor Pro Tem Ta, and seconded by Council Member Quach to rename Hoover Park to Frank G. Fry Park effective immediately and to direct staff to make the necessary arrangements for completion.

The motion carried by a 4-0-1 vote. (Council Member Fry Absent)

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

- 6.1 Consideration of (1) Agency's "Affordable Rental Housing Agreement" and Notice of Affordability Restriction documents; (2) City's "Agreement with Community Housing Development Organization (CHDO) for HOME-funded Rental Housing" for nine properties; (3) Advancement of Property Tax Costs and Reimbursement of Lease Purchase Program Property Administration Costs to Abrazar, Inc. and American Family Housing, Inc. (502-01)**

Motion was made by Agency Member Quach, and seconded by Vice Chair Ta to:

- 1) Authorize a transfer of \$163,724.91 from CIP Low Mod Housing Assistance project to fund the following:
 - a. Advancement of property tax costs for six properties in an amount not to exceed \$49,200 over the course of two years to Abrazar, Inc.; and
 - b. Reimbursement of \$59,312 to Abrazar, Inc. for property administration costs from the period of September, 2006 to July/August 2008 under the previously approved Lease Purchase Program;
 - c. Reimbursement of \$12,586 to Abrazar, Inc. for rehabilitation costs over the limit of \$40,000 per unit previously approved;
 - d. Advancement of property tax costs for three properties in an amount not to exceed \$23,551.16 over the course of two years to American Family Housing, Inc.; and
 - e. Reimbursement of \$19,075.75 to American Family Housing for property administration costs from the period of August, 2008 thru January, 2009 under the previously approved Lease Purchase Program; and
- 2) Approve and authorize the Executive Director to execute nine (9) agreements entitled, "Affordable Rental Housing Agreements" with Abrazar, Inc. and American Family Housing, Inc. and nine (9) Affordability Restriction Documents for the following addresses: 1) 6869 Homer Street, #62; 2) 6889 Homer Street, #50; 3) 6954 Homer Street, #79 4) 6908 Homer Street, #99; 5) 6921 Homer Street, #27; 6) 6902 Homer Street, #94; 7) 6908 Homer Street, #100; 8) 6921 Homer Street, #25; 9) 14161 Goldenwest Street, #7; and

The motion carried by the following vote:

AYES: RICE, TA, FRY, QUACH, DIEP
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to:

- 1) Approve and authorize the City Manager to execute nine (9) agreements entitled "Agreement with CHDO for HOME-funded Rental Housing" with Abrazar, Inc. and American Family Housing, Inc. for the following addresses: 1) 6869 Homer Street, #62; 2) 6889 Homer Street, #50; 3) 6954 Homer Street, #79; 4) 6908 Homer Street, #99; 5) 6921 Homer Street, #27; 6) 6902 Homer Street, #94; 7) 6908 Homer Street, #100; 8) 6921 Homer Street, # 25; and 9) 14161 Goldenwest Street, #7.

The motion carried by the following vote:

AYES: RICE, TA, FRY, QUACH, DIEP
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

6.2 Introduction of Updated Municipal Code Relating to the City Manager position in a General Law City. (110-10)

Mayor Rice requested that Page 2 of the Westminster Municipal Code Section 2.08.010 Item 2.08.080 Appointment of assistant - Authority be deleted. She requested that Ordinance No. 2442 Item **2.08.040 Duties - Primary (B)**, additional language be added to the end of Subsection B as follows: *"after input from Council and Mayor."*

Motion was made by Council Member Fry, and seconded by Council Member Quach to introduce Ordinance No. 2442 as amended entitled, "An Ordinance of the Mayor and City Council of the City of Westminster to Amend Chapter 2.08 (City Manager) of Title 2 (Administration and Personnel) of the Westminster Municipal Code", and waive further reading.

The motion carried by the following vote:

AYES: RICE, TA, FRY, QUACH, DIEP
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

6.3 Agreement for City Manager Services. (502-12)

Ray Silver, City Manager, said that the City Council has been in a process for the last four months to select a City Manager with his retirement effective April 30, 2009. As a result of the process, the City Council interviewed a number of candidates and selected Don Lamm. This contract is to execute the negotiation process and results between the City Council and Don Lamm.

Motion was made by Council Member Diep, and seconded by Mayor Pro Tem Ta to approve the Agreement for City Manager Services with Donald D. Lamm, and authorize the Mayor to execute the Agreement on behalf of the City.

The motion carried by a 5-0 vote.

Don Lamm thanked the Mayor and City Council Members and stated that he is very honored to have their confidence as their next City Manager. Mr. Lamm, on behalf of the profession, congratulated Ray Silver for serving his profession for many years and in many California cities. Mr. Lamm said that he is looking forward to starting on May 1, 2009.

6.4 (City/Agency) Selection of dates for the fiscal year 2009-10 budget study sessions. (103-08) (2009)

Motion was made by Council Member Quach, and seconded by Council Member Diep to select Wednesday, May 6, 2009 at 6:00 p.m. and Tuesday, May 12, 2009 at 6:00 p.m. as the dates for the study sessions to review the fiscal year 2009-10 budget.

The motion carried by a 5-0 vote.

6.5 (City/Agency) Mid-year Amendments to the Fiscal Year 2008-09 Budget. (105-04) (2009)

Motion was made by Council Member Quach, and seconded by Council Member Fry to approve amendments to the fiscal year 2009-10 Budget as outlined on Pages 7-11 of the staff report.

The motion carried by a 5-0 vote.

6.6 Agreement to Toll Statute of Limitations for Claims Regarding Property Tax Administration Fee. (502-15)

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to enter into a Tolling Agreement with the County of Orange regarding the property tax administration fees dispute.

The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public) - None.**8. LEGISLATIVE ITEMS**

- 8.1 Resolution No. 4218 - A Resolution of the Mayor and City Council of the City of Westminster adopting the intention to approve an amendment to the contract with the California Public Employees' Retirement System; first reading of Ordinance No. 2443 - An Ordinance of the Mayor and City Council of the City of Westminster authorizing an amendment to the contract with the California Public Employees' Retirement System; and request to provide similar retirement benefits to certain Public Safety employees via Public Agency Retirement Services. (502-03)**

Motion was made by Council Member Quach, and seconded by Council Member Fry to:

- 1) Adopt Resolution No. 4218 entitled, "A Resolution of Intention to Approve an Amendment to Contract between the Board of Administration, California Public Employees' Retirement System and the City Council, City of Westminster."
- 2) Introduce Ordinance No. 2443 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster Authorizing an Amendment to the Contract between the City Council of the City of Westminster and the Board of Administration of the California Public Employees' Retirement System", and waive further reading.
- 3) Authorize staff to work with Public Agency Retirement Services (PARS) to provide similar retirement benefits to certain Public Safety employees.

The motion carried by the following vote:

AYES: RICE, TA, FRY, QUACH, DIEP
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

9. COMMISSION AND COMMITTEE ITEMS**9.1 Request to install All Way Stop Signs at the Intersection of Jackson Street and 23rd Street - T.C. 88-116. (607-03) (Deferred to the April 22, 2009 Meeting)**

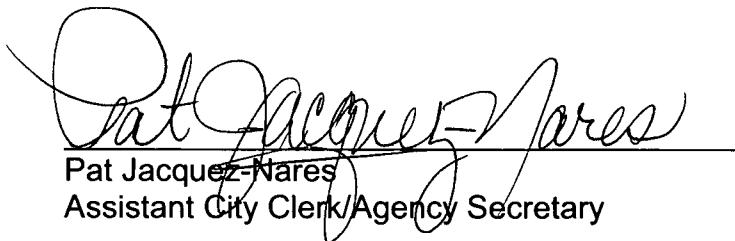
TRAFFIC COMMISSION RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission to install an allway stop at the subject location and adopt Resolution No. 4219 entitled, "A Resolution of the Mayor and City Council of Westminster providing for the installation of all-way stop signs at the intersection of Jackson Street and 23rd Street"

Council Member Diep asked Jeff Howell, Public Works Manager, to clarify what was originally recommended by staff.

Jeff Howell, Public Works Manager, clarified that staff's recommendation was to deny. The Traffic Commission's recommendation does not meet the warrants/criteria to install the all-way stop sign.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to defer the item to the April 22, 2009 City Council Meeting.

The motion carried by a 5-0 vote.

10. COUNCIL/AGENCY ADJOURNMENT: At 8:40 p.m. the Mayor/Agency Chair Rice adjourned the meeting to Wednesday, April 1, 2009 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, California for the purpose of a Joint Meeting of the City Council and Planning Commission, followed by a City Council/Redevelopment Agency meeting at 7:00 p.m. to discuss City/Agency business.

Pat Jacquez-Nares
Assistant City Clerk/Agency Secretary